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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,939	11/17/2003	Tom McCormick	64117-5001	4453
24574	7590	01/04/2005	EXAMINER	
JEFFER, MANGELS, BUTLER & MARMARO, LLP 1900 AVENUE OF THE STARS, 7TH FLOOR LOS ANGELES, CA 90067			SMITH, ARTHUR A	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/715,939

**Applicant(s)**

MCCORMICK ET AL.

**Examiner**

Arthur A Smith

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19 and 21-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The indicated allowability of claims 22-30 is withdrawn in view of the newly discovered reference(s) to Stufa et al. (EP 0076237). Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Bankston (US 3545143).

Bankston discloses a display; a plurality of screening rooms, wherein each screening room includes a view of the display; a movie playback system; and a sound distribution system coupled to receive audio signals from the movie playback system and to distribute the audio signals to the plurality of screening rooms, wherein each screening room is effectively acoustically isolated, col. 2 lines 3-49.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Hayashi (US 5611174).

Hayashi discloses a display; a plurality of screening rooms, wherein each screening room includes a view of the display; a movie playback system; and a sound distribution system coupled to receive audio signals from the movie playback system

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and to distribute the audio signals to the plurality of screening rooms, wherein each screening room is effectively acoustically isolated, col. 4 line 65 – col. 5 line 33.

Claims 22-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Stufa et al. (EP 0076237).

Stufa et al. discloses a soundtrack distribution system comprising: a plurality of soundtrack processors, each providing an audio signal, pages 3 lines 6-9; an audio distribution router, ref. 6, coupled to receive the audio signals generated by the plurality of soundtrack processors, page 3 lines 9-17; and a plurality of audio switching devices, ref. 11 and 12, coupled (wirelessly) to the audio distribution router, page 3 lines 18-20. Stupa et al. a discloses a plurality of inputs coupled to the plurality of soundtrack processors, page 3 lines 9-11; and a plurality of outputs coupled to the plurality of audio switching device, page 3 lines 22-25 (the modulated frequency for each soundtrack); wherein the audio distribution router is configured to selectively route the plurality of inputs to the plurality of outputs, pager line 25 – page 4 line 1 (selectively routes the inputs by transmitting them at different frequencies).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bankston (US 3545143) in view of Stufa et al. (EP 0076237).

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Bankston discloses displaying on a movie print on a display screen; providing a plurality of acoustically isolated screening rooms, each with a view of the display screen controls for controlling the playback of the movie audio; and transmitting a generated audio signals to the screening rooms, col. 2 lines 3-49. Bankston does not disclose wherein the movie contains multiple soundtracks and wherein a different generated audio signal is transmitted to at least two of the screening rooms. Stufa discloses displaying a movie with multiple soundtracks and wherein a different generated audio signal is transmitted to at least two viewers, page 1 line 16 – page 2 line 7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to realize that the theater of Bankston could be used to display movies with multiple soundtracks as taught by Stufa and thus instead of transmitting a soundtrack to a specific individual to small groups of individuals such as families located in their private booths. This would be done per the teachings of Stufa to allow viewing of films projected in several languages contemporaneously and thus increase business through the attraction of foreign language individuals. Each room could receive only one audio signal, such a room for Spanish, French, etc. or each room could receive all audio signals so that any language speaking group could use any room.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohut et al. (US 5327182), supplied by applicant, in view of Bankston (US 3545143).

Kohut et al. discloses a method of displaying a movie print on a display screen with multiple soundtracks, col. 3 lines 45-47 and col. 3 line 66 – col. 4 line 2; generating

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separate audio signals from each soundtrack, col. 4 lines 27; transmitting one or more of the audio signals to one screening room, col. 4 lines 28-34. Kohut et al. does not disclose providing a plurality of screening rooms, each with a view of the display screen. Bankston discloses providing a theater system with a plurality of screening rooms, each with a view of the display screen, col. 2 lines 3-11 and fig. 2, and wherein the plurality of screening rooms are acoustically isolated from each other, col. 2 lines 44-59. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the method of displaying a multiple soundtrack film as taught by Kohut et al. in a viewing environment that has a plurality of screening rooms as taught by Bankston. This would be done per the teachings of Bankston to provide an improvement to the traditional theater viewing system to now allow individuals or small groups to watch a movie without being disturbed by other patrons of the theater, col. 1 lines 23-39.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-17, 19 and 21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morales (US 2004/0027496 A1) discloses a simultaneous multi-language motion picture playback system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur A Smith whose telephone number is (571) 272 2129. The examiner can normally be reached on Monday - Thursday from 8:00 AM to

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5:30 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (572) 272 2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic



Arthur A. Smith  
December 8, 2004